

July 31, 2003
Case No.: DP-306204 (7500/116)
Serial No.: 09/994,306
Filed: November 26, 2001
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— REMARKS —

Claims 1-19 are currently pending in this application. Claims 13-19 were allowed, and claims 1-5 were rejected under section 102(b) over U.S. Patent No. 3,207,172 to Steer and claims 6 and 9 - 11 were rejected under Section 102(b) as anticipated by Harding, U.S. Patent No. 3,589,401. While Applicants do not concede the propriety of this rejection, the claims have been amended to expedite the prosecution of this case. Claim 13 has been amended for non-statutory reasons.

In order for the Section 102(b) rejections of Claims 1-5 to stand, Steer must disclose each and every limitation of claim 1. Because neither Steer, nor the remaining cited prior art, disclose the fluid path comprises a primary path and a secondary path wherein the secondary path is blocked during a compression stroke and a rebound stroke when the valve spool is in a closed position as recited in Claim 1, Claim 1 cannot be anticipated by Steer. Withdrawal of the rejection of claim 1 is requested. Claims 2-5 depend from Claim 1 and therefore contain each and every limitation of Claim 1 and are therefore allowable over Steer for at least the same reasons. Withdrawal of the rejections to Claims 2-5 is requested.

In order for the Section 102(b) rejections of Claims 6 and 9-11 to stand, Harding must disclose each and every limitation of the claims. Because neither Harding nor the remaining prior art disclose that the actuating pin is actuated by an expansible chamber, the expansion chamber expanded by a sprung mass suspended by the suspension damper, Harding cannot anticipate claim 6. Withdrawal of the rejection to claim 6 is requested. Claims 9-11 depend from claim 6 and therefore contain each and every limitation of claim 6, and are allowable over Harding for at least the same reason. Withdrawal of the rejections of claims 9-11 is requested.

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Claims 6-12 were further rejected as unpatentable over Steer under Section 103(a). For this 103(a) rejection to stand, each and every limitation of claim 6 must be taught or suggested by the prior art. Because Steer neither teaches nor suggests the fluid path comprises a primary path and a secondary path wherein the secondary path is blocked during a compression stroke and a rebound stroke when the valve spool is in a closed position and furthermore does not teach or suggest that the actuating pin is actuated by an expansible chamber, the expansion chamber expanded by a sprung mass suspended by the suspension damper, Claim 6 is not rendered unpatentable by Steer. Withdrawal of the rejection to claim 6 is requested. Claims 7-12 depend from claim 6, and therefore contain each and every limitation of claim 6 and are therefore patentable over Steer for at least the same reasons.

This application is now believed to be in condition for allowance. Such action is respectfully requested, and the Examiner is invited to telephone Applicants' attorney to discuss any remaining matters.

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SUMMARY

This application is now believed to be in condition for allowance, and such action is respectfully requested. The Examiner is invited to telephone the undersigned with any remaining issues.

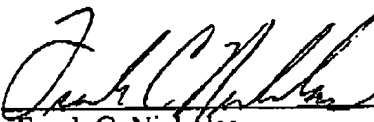
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Respectfully submitted,
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